(1) CF 1002 (4) SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH, AT - BILASPUR

WRIT PETITION (S) NO. 4956 OF 2006

PETITIONER : MOHAN LAL SONBHADRA,
AGED – 49 YEARS,
S/O SHRI DASHRU RAM SAHU,
POSTED AS - PATWARI,
AT – P. H. NO. TAHSIL – GURUR,
DISTT. – DURG (C. G.)
R/O VILLAGE - KULIYA, DISTT. – MAHASAMUND.

P.R. No. 4968/06
Presented by Shri Vivek Sharma
dated 7/9/06

VERSUS

RESPONDENTS :

1. STATE OF CHHATTISGARH,
THROUGH – THE SECRETARY,
REVENUE DEPARTMENT,
D. K. S. BHAWAN, RAIPUR

2. THE COLLECTOR,
(LAND RECORDS BRANCH)
DISTRICT – DURG (C. G.)

3. SUB DIVISIONAL OFFICER (R)
BALOD, DISTRICT – DURG (C. G.)

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WRIT PETITION UNDER ARTICLE – 226 & 227 OF CONSTITUTION OF INDIA

(34)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (s) No. 4956 of 2006

Petitioner : Mohan Lal Sonbhadra

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri R.K. Kesharwani, counsel for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORDER

(11th September, 2006)

1. The petitioner by order dated 30th June, 2006 (Annexure P/1) was transferred from Patwari Halka No. 12, Block Gurur, District Durg to Patwari Halka No. 3, Revenue Inspection Circle Khansara, Tahsil Bemetara, District Durg.

2. Earlier, the petitioner has filed a W.P.(s) No. 3328/2006 impugning the said transfer order by this Court. After hearing both the parties, directed the petitioner, without expressing any opinion on the merit of the case, to make a detailed representation along with copy of this petition and relevant documents to the Secretary, Revenue Department, State of Chhattisgarh to decide representation of the petitioner within a period of 30 days from the date of receipt of representation, in accordance with law.

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2. The respondent No. 1 by order dated 30.8.2006 (Annexure P/5) considered detailed representation of the petitioner and came to the conclusion that the transfer was made strictly in accordance with the transfer policy.

3. I have heard learned counsel for the parties and gone through the papers, the petitioner has not pointed out any deficiencies in the order passed by the respondent No. 1, except that the ordered is not reasoned one. The order is found just and reasonable, by this Court.

4. The respondents/authorities have liberty to post an employee at a particular place in the public interest as well as in administrative exigency, in accordance with law.

5. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee is to be posted in the interest of administration and public. This Court has limited jurisdiction to interfere in transfer matters and this Court can interfere only in the case of proved malafide, non-competence of the authority is passing the transfer order, and order not being in conformity with the rules and regulations.

6. For the aforesaid reasons, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge